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The Chief Appeals Commissioner has a series of Practice Guidelines to help people who are involved in an appeal to the Appeals Commission. Please contact us for additional Practice Guidelines, *Appeal Rules*, or other information.

For more information, contact the Appeals Commission for Alberta Workers' Compensation at:

<p><b>Edmonton</b>          1100, 10405 Jasper Avenue          Edmonton, AB T5J 3N4          Tel: 780-412-8700          Fax: 780-412-8701</p>	<p><b>Calgary</b>          2300, 801 – 6<sup>th</sup> Avenue SW          Calgary, AB T2P 3W2          Tel: 403-508-8800          Fax: 403-508-8822</p>
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or, through our web site at [www.appealscommission.ab.ca](http://www.appealscommission.ab.ca)

- Let us know if:
- your address or contact information changes
  - you choose a representative or your representative changes
  - you are no longer a representative for a party to or participant in an appeal

## A. Steps We Take Processing an Appeal

### Step 1: Receive the notice of appeal and confirm that it is complete

We will confirm receipt of the appeal at this time.

### Step 2: Notify the parties

We will send all persons with a direct interest a *Notice of Participation* form and a copy of the decision that is being appealed. Those that would like to participate in the appeal must complete this form and return it to us within 14 days of receipt. The WCB must notify us within 30 days of receipt and provide their reasons for attending the hearing. We will notify all participants of WCB's participation and their reasons for attending the hearing.

### Step 3: Schedule the hearing

The Hearing Coordinator will contact all participants to schedule a hearing date.

The Appeals Officer assigned to the appeal will send all participants a letter confirming the hearing date, the type of hearing, the participants in the appeal, and the issues of the appeal.

*Appeal Rule 2.2(2)* provides that once the hearing date is set, we will not accept new *Notices of Appeal* or add new issues of appeal for the same hearing date.

### Step 4: Prepare the Appeal Documents Package (ADP)

The Appeals Officer reviews the Workers' Compensation Board (WCB) file and other appropriate information and creates an Appeal Documents Package (ADP). This is the document package that the panel will use as the basis for its decision making. The ADP may not include the entire WCB file. The ADP will have a list of the documents and the pages will be numbered for ease of reference. Once the ADP is prepared, you will receive a letter that:

- encloses the ADP
- gives directions on how to file additional documents (see C, Step 1)
- confirms the hearing date
- addresses any other issues relevant to your appeal (for example, confirm whether an interpreter has been arranged)

### Step 5: Information update from the WCB

Approximately 30 days before the scheduled hearing, we will obtain and share with the participants, updates to the WCB file that may exist.

### Step 6: Pre-hearing conference

We may require participants to participate in a pre-hearing conference to discuss procedural or substantive issues, or both, relating to the conduct of the appeal. If we determine that a pre-hearing conference would be of assistance in the management of your appeal, we will contact the participants to make arrangements.

## B. Steps for the Appellant

If you are an appellant, you should take these steps:

### Step 1: Check the issues of appeal

The Appeals Officer may modify the appeal issue(s) or other information when reviewing the WCB file. We will decide on the issue(s) and set them out in a letter to you. Please check the issue(s) carefully.

**Step 2: If you object to an issue in our information letter**

After you review our letter that sets out the issues of appeal, contact your Appeals Officer immediately if you want to change or withdraw any issues.

**Step 3: Check the Appeal Documents Package (ADP)**

Review the ADP carefully to make sure all the documents you want to use in your appeal are there. The next section describes what to do if you would like to include additional documents in the appeal.

**C. Steps for All Participants**

Before the hearing, please consider whether you need to take any of the following steps:

**Step 1: Submit additional documents**

After you have reviewed the ADP, you may determine that it does not contain evidence you want to rely on at the hearing. Evidence includes documents such as letters, reports, medical reports, witness statements, affidavits, and notes from the claim file. Evidence can also include photographs or video recordings.

You can add documents to the ADP. In order to make sure that the hearing is not delayed, and to ensure a fair hearing, it is important to share the documents as soon as you can. If a document is not shared until shortly before or at the hearing, the hearing could be adjourned because the panel and other participants may need time to read the information and/or obtain further information. It is not necessary to add documents that are already in the ADP.

If you want to submit additional documents that are not listed in the ADP, please:

- complete an *Additional Documents List* form
- send a copy of the *Additional Documents List* form and the additional documents to us
- we will circulate the additional documents to the other parties to the appeal up to four (4) business days before the hearing

After that time, if you are participating at an in-person hearing at the offices of the Appeals Commission, we ask that participants bring the documents to the hearing, with four (4) copies. As noted above, this may result in an adjournment because the panel and other participants may need time to read the information and/or obtain further instructions.

If your hearing is being held by teleconference, video conference or documentary, and you submit documents within four (4) business days of the hearing, and/or the morning of the hearing, we may not be able to share the information with the panel and other participants effectively depending on the panels' and participants' access to technology. This may result in an adjournment because the panel and other participants may need time to access and read the information and/or obtain further instructions.

Please see *Practice Guideline # 6 – Digital Information and Appeals* for information about submitting electronic evidence.

## **Step 2: Identify who will attend the hearing**

### *Participants and Representatives*

Typically, all participants and their representatives attend in-person hearings. If you are a representative attending a hearing in the absence of the participant you represent, the Appeals Commission may require written confirmation from your client confirming that you are authorized to proceed in their absence.

### *Witnesses and Observers*

*Appeal Rule 4.2(2)* authorizes the Appeals Commission to allow a person to observe the hearing on any condition we consider appropriate.

In order to make sure that the hearing is not delayed, and to ensure a fair hearing, it is important to let us know if you plan to bring observers or witnesses to the hearing. Participants must give us the names of those observers and witnesses.

We ask that you tell the Appeals Officer assigned to your matter of the names of any witnesses or observers as early as possible, and no later than four (4) business days before the hearing. This provides the Appeals Officer with time to notify the other participants. If you advise that you are bringing a witness or observer on less than four (4) days' notice, the hearing may be delayed or adjourned.

Expert witnesses are subject to different rules. More advance notice (45 days) is required if you are bringing an expert witness. For more information, see *Rule 3.2* of our *Appeal Rules*. If you have questions about bringing an expert witness to your hearing, please contact your Appeals Officer. Expert witnesses are witnesses who will give evidence in an area of specialty and based upon their expertise, for example doctors and engineers.

Other participants in the appeal will be notified of the attendance of an expert witness and may then want to obtain expert opinions of their own. For this reason, early notification of an expert witness will avoid delay in the hearing process.

The role of any witnesses or observers at the hearing is subject to the Hearing Chair's discretion and will usually be clarified at the beginning of the hearing. Sometimes witnesses will need to be excluded for part of the hearing. Please see *Appeal Rule 4.4* for more information.

## **Step 3: Identify special circumstances**

Special circumstances can emerge in the administration and processing of an appeal. There may be issues that need a decision before the hearing. They include such things as giving proper notice, deciding who can attend a hearing, delaying or adjourning a hearing, and extending deadlines to make submissions.

If you identify a special circumstance relating to your appeal, please contact your Appeals Officer for assistance.

## **Step 4: Filing a written submission**

Submissions explain a participant's point of view to the panel. Submissions are not evidence but they can discuss what should be considered or the weight to give to particular evidence. They are written arguments, often about applying or interpreting legislation or policy.

Written submissions are not required, but they can be very helpful to the panel.

We encourage you to send submissions at least four (4) business days before the hearing. This allows us time to circulate your submission to the panel and the other participants. If you file submissions at the hearing, this may cause a delay in the hearing as the panel and participants may not be able to easily access the submissions if the hearing is held by teleconference or video conference. Also, the panel and participants may require time to read the submissions, and participants may require time to respond to the submissions and/or obtain further instructions.

If the submission refers to previous decisions of the Appeals Commission, other appeal bodies, or the courts, please include full copies of the decisions.

The Appeals Commission stores all evidence electronically, so submissions have to be capable of being entered electronically.

## **D. What Next?**

For information on the next steps in the appeal process, please refer to *Practice Guideline 3 – The Hearing and Decision*.